

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**September 3, 2007**

There were no minutes for this date.

**September 4, 2007**

**C051526      THE PEOPLE v. PLOTS      (Not for Publication)**  
BY THE COURT

It is ordered that the opinion ... be modified as follows: ... There is no change in the judgment. Defendant's petition for rehearing is denied.

FOR THE COURT:

Scotland, P.J.

Raye, J.

Robie, J.

**C053022      THE PEOPLE v. WOODSON      (Not for Publication)**

The upper term sentence on count 4 is vacated and the matter is remanded to the trial court for resentencing ...

SIMS, ACTING P.J.

We Concur: Davis, J.

Raye, J.

**C054735      THE PEOPLE v. LINDER      (Not for Publication)**

The trial court's judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Davis, Acting P.J.

Raye, J.

**C054068      POWEREX CORP., v. SUPERIOR COURT,      (Not for Publication)**  
**SACRAMENTO COUNTY; DEPT OF WATER RESOURCES**

The petition for writ of mandate is denied. Having served its purpose, the alternative writ of mandate is discharged ...

SCOTLAND, P.J.

We Concur: Raye, J.

Robie, J.

**September 5, 2007**

**C049493      THE PEOPLE v. RETANAN      (Certified for Publication)**

It is ordered that the opinion filed herein on August 14, 2007, be modified as follows: ... There is no change in judgment ... The judgment is affirmed.

BUTZ, J.

We Concur: Scotland, P.J.

Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**The Minutes**

**September 5, 2007, continued**

- C051205      THE PEOPLE v. CHAPPELL      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We Concur: Scotland, P.J.  
Robie, J.
- C051522      THE PEOPLE v. POWELL      (Not for Publication)**  
The judgment is modified ... The trial court is directed to prepare an amended abstract of judgment ... and to forward a certified copy thereof to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Robie, J.
- C052477      THE PEOPLE v. SANTOS      (Not for Publication)**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Morrison, J.
- C052889      THE PEOPLE v. COX      (Not for Publication)**  
The judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment ... and forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.  
BLEASE, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C053757      THE PEOPLE v. TUSCHEN      (Not for Publication)**  
The judgment is affirmed.  
BLEASE, ACTING P.J.  
We Concur: Sims, J.  
Davis, J.
- C053864      THE PEOPLE v.      (Not for Publication)**  
**INTERNATIONAL FIDELITY INS. CO.**  
The judgment is affirmed.  
CANTIL-SAKAUYE, J.  
We Concur: Scotland, P.J.  
Davis, J.



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**The Minutes**

**September 6, 2007**

- C052049      THE PEOPLE v. WAGNER**  
Respondent's petition for rehearing is denied.  
DAVIS, ACTING P.J.
- C052049      THE PEOPLE v. WAGNER**  
Appellant's petition for rehearing is denied.  
DAVIS, ACTING P.J.
- C053571      THE PEOPLE v. SPARKMON                      (Not for Publication)**  
The judgment is affirmed.  
SIMS, ACTING P.J.  
We Concur: Nicholson, J.  
Butz, J.
- C053608      THE PEOPLE v. VELARDE                      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to modify its  
November 9, 2006, minute order and the "Terms & Conditions of Formal  
Probation" consistent with this opinion.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Morrison, J.
- C053990      THE PEOPLE v. LEDESMA                      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Davis, J.
- C054072      THE PEOPLE v. LUJAN                      (Not for Publication)**  
The judgment is modified ... As modified the judgment is affirmed. The  
trial court is directed to prepare an amended abstract of judgment to reflect this  
change to defendant's presentence credit. The trial court is further directed to  
forward a copy of the amended abstract of judgment to the California Department  
of Corrections and Rehabilitation.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**The Minutes**

**September 6, 2007, continued**

- C054553      THE PEOPLE v. WILLARD      (Certified for Partial Publication)**  
The judgment is reversed. The matter is remanded to the trial court ... If defendant does so, the People shall be given an opportunity to withdraw from the entire plea agreement and proceed accordingly.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Butz, J.
- C052556      LABRIE et al. v. EATON      (Not for Publication)**  
The judgment is affirmed. Costs on appeal are awarded to defendant. ...  
NICHOLSON, ACTING J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C053225      STEVEN KNABE v. RICQUE BRISTER      (Certified for Publication)**  
The order of the trial court denying Knabe's motion to strike the 2001 stipulation is affirmed. Costs on appeal are awarded to Brister. ... (CERTIFIED FOR PUBLICATION.)  
NICHOLSON, J.  
We Concur: Scotland, P.J.  
Morrison, J.
- C053271      CA EARTH CORPS v. STATE      (Not for Publication)**  
**LANDS COMMISSION et al; DEVELOPERS**  
**DIVERSIFIED REALTY CORPORATION**  
The superior court's judgment granting a peremptory writ of mandate is affirmed. The Commission and Earth Corps shall recover costs on appeal.  
RAYE, J.  
We Concur: Blease, Acting P.J.  
Cantil-Sakauye, J.
- C053434      TRACI JONES v. WILLIAM KEARNS      (Not for Publication)**  
The judgment (order) is affirmed.  
MORRISON, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C051215      IN RE RANDELL B; THE PEOPLE v. RANDELL B.**  
**BY THE COURT:**  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**COURT OF APPEAL  
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**The Minutes**

**September 6, 2007, continued**

**C053152      IN RE ELIZABETH B; SHASTA      (Not for Publication)**  
**COUNTY DEPT. OF SOCIAL SERVICES v.**  
**GEORGE B.**

The orders of the juvenile court are reversed. The matter is remanded for the juvenile court to hold a new disposition hearing, ... Upon remand, the juvenile court shall also assure compliance with the notice provisions of the ICWA and determine whether ICWA applies in this case.

MORRISON, J.

We Concur: Scotland, P.J.

Cantil-Sakauye, J.

**September 7, 2007**

**C052401      THE PEOPLE v. WHITEN      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Nicholson, J.

Butz, J.

**C053130      THE PEOPLE v. JEFFERSON      (Certified for Partial Publication)**

The judgment is modified ... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as stated above, and forward a certified copy to the Department of Corrections and Rehabilitation.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.

Raye, J.

**C054083      THE PEOPLE v. BAGGETT      (Not for Publication)**

The judgment is modified, ... As modified, The judgment is affirmed.

RAYE, ACTING J.

We Concur: Morrison, J.

Butz, J.

**C056448      THOMAS SWARTZ et al. v. CALAVERAS COUNTY WATER DIST.**  
**BY THE COURT:**

"Appellant Motions ... for Reconsideration and Rehearing to obtain Prefiling Order ..." are denied.

SCOTLAND, P.J.

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**September 7, 2007**

The judgment (order terminating parental rights) is affirmed.

We Concur: Davis, Acting P.J.  
Cantil-Sakauye, J.